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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,931	10/09/2001	Michael M. Hsu	12868-008001	1132
26181	7590	09/30/2004	EXAMINER	
FISH & RICHARDSON P.C. 3300 DAIN RAUSCHER PLAZA MINNEAPOLIS, MN 55402				CANGIALOSI, SALVATORE A
ART UNIT		PAPER NUMBER		
3621				

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	<i>S</i>
	09/974,931	HSU ET AL.	
	Examiner	Art Unit	
	Salvatore Cangialosi	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 3/5/02.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-23 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

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1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 1-23 are rejected under 35 U.S.C. § 103 as being unpatentable over Sohne et al(6397333) in view of Stefik et al(6236971) or Epstein(6601046).

Regarding claim 1, Sohne et al (See Figs. 1 and 2, Col. 1, lines 10-35, Col.. 2, lines 40-60, claims 1-7) disclose method for protecting digital media from unauthorized copying by receiving unique device identifier from a playback device and generating means which would allow playback of said media on that specific device substantially as claimed. The differences between the above and the claimed invention is the use of specific ticket terminology. It is noted that it is believed that the claim limitations as constructed read on any of the cited prior art which limits use of media to a specific device. Stefik et al (See

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Col. 3, lines 5-10 and Col. 4, lines 10-50) or Epstein (Fig. 1 and 3, Col. 65, lines 10-45) show a copy protection system having tickets with hashing to prevent unauthorized use of media. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Sohne et al because the copy prevention means are conventional functional equivalents with respect to the claim limitations. Regarding the delivery limitations of claim 2, Sohne et al (Fig. 1) show a host which is a functional equivalent of the claim limitations. Regarding the delivery limitations of claim 3, Sohne et al (Fig. 1) show an authentication process in the device which is a functional equivalent of the claim limitations. Regarding the connection limitations of claim 4, Sohne et al (Fig. 1) show a host which is a functional equivalent of the claim limitations. Regarding the memory limitations of claims 5, Sohne et al (Fig. 1) show a memory which is a functional equivalent of the claim limitations. Regarding the unique identifier limitations of claims 6, Sohne et al (Fig. 1) show a serial number which is a functional equivalent of the claim limitations. Regarding the serial number limitations of claims 7, Sohne et al (Fig. 1) show a serial number which is a functional equivalent of the claim limitations. Regarding the generation limitations of claim 8, Sohne et al (Fig. 1, col. 2, lines 60-65) show a serial number combined with a random number which generates a dynamic variable which is a functional equivalent of the claim limitations. Regarding the

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number generation limitations of claim 9, Sohne et al (Fig. 1, col. 2, lines 60-65) show a serial number combined with a random number which generates a dynamic variable which is a functional equivalent of the claim limitations. Regarding the key generation limitations of claim 10, Sohne et al (Fig. 1, col. 2, lines 60-65) show a serial number combined with a random number which generates a dynamic key which is a functional equivalent of the claim limitations. Regarding the hash limitations of claim 11, Stefik et al (See Col. 3, lines 5-10 and Col. 4, lines 10-50) or Epstein (Fig. 1 and 3, Col. 65, lines 10-45) show a copy protection system having tickets with hashing to prevent unauthorized use of media which is a functional equivalent of the claim limitations. Regarding the server limitations of claim 12, Sohne et al (Fig. 1) show a host which is a functional equivalent of the claim limitations. Regarding claim 13, Sohne et al (See Figs. 1 and 2, Col. 1, lines 10-35, Col. 2, lines 40-60, claims 1-7) disclose method for protecting digital media from unauthorized copying by receiving unique device identifier from a playback device and generating means which would allow playback of said media on that specific device substantially as claimed. The differences between the above and the claimed invention is the use of specific ticket terminology. It is noted that it is believed that the claim limitations as constructed read on any of the cited prior art which limits use of media to a specific device. Stefik et al (See Col. 3, lines 5-10 and Col. 4, lines

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10-50) or Epstein (Fig. 1 and 3, Col. 65, lines 10-45) show a copy protection system having tickets with hashing to prevent unauthorized use of media. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Sohne et al because the copy prevention means are conventional functional equivalents with respect to the claim limitations. Regarding the transfer limitations of claim 14, Sohne et al (Fig. 1) show a host which is a functional equivalent of the claim limitations. Regarding the particular identifier limitations of claims 15, Sohne et al (Fig. 1) show a serial number which is a functional equivalent of the claim limitations. Regarding the delivery limitations of claim 16, Sohne et al (Fig. 1) show an authentication process in the device which is a functional equivalent of the claim limitations. Regarding the connection limitations of claim 17, Sohne et al (Fig. 1) show a host which is a functional equivalent of the claim limitations. Regarding the transaction limitations of claim 18, Stefik et al (See Col. 3, lines 5-10 and Col. 4, lines 10-50) show a copy protection system having transaction tickets with hashing to prevent unauthorized use of media which is a functional equivalent of the claim limitations. Regarding the hash limitations of claim 19, Stefik et al (See Col. 3, lines 5-10 and Col. 4, lines 10-50) or Epstein (Fig. 1 and 3, Col. 65, lines 10-45) show a copy protection system having tickets with hashing to prevent unauthorized use of media which is a functional

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equivalent of the claim limitations. Regarding the validating limitations of claim 20, Stefik et al (See Col. 3, lines 5-10 and Col. 4, lines 10-50 and claim 1) show a copy protection system having tickets with hashing including validating to prevent unauthorized use of media which is a functional equivalent of the claim limitations. Regarding the account limitations of claim 21, Stefik et al (See Col. 3, lines 55-65 and Col. 4, lines 10-50 and Fig. 19) show a copy protection system having transaction tickets with hashing to prevent unauthorized use of media controlled by a credit server with user accounts which is a functional equivalent of the claim limitations. Regarding claims 22 and 23, Sohne et al (See Figs. 1 and 2, Col. 1, lines 10-35, Col. 2, lines 40-60, claims 1-7) disclose means for protecting digital media from unauthorized copying by receiving unique device identifier from a playback device and generating means which would allow playback of said media on that specific device substantially as claimed. The differences between the above and the claimed invention is the use of specific ticket terminology. It is noted that it is believed that the claim limitations as constructed read on any of the cited prior art which limits use of media to a specific device. Stefik et al (See Col. 3, lines 5-10 and Col. 4, lines 10-50) or Epstein (Fig. 1 and 3, Col. 65, lines 10-45) show a copy protection system having tickets with hashing to prevent unauthorized use of media. It would have been obvious to the person having ordinary skill in this art to

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provide a similar arrangement for Sohne et al because the copy prevention means are conventional functional equivalents with respect to the claim limitations.

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number (703) 305-1837. The examiner can normally be reached 6:30 AM to 5:00 PM, Tuesday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached at (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of Patent and Trademarks
Washington, D.C. 20231

or faxed to (703) 872-9306

Hand delivered responses should be brought to Crystal Park V, 2451 Crystal Drive, Arlington, Virginia, Seventh Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 3600 Customer Service Office whose telephone number is (703) **308-4177**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SALVATORE CANGIALOSI
PRIMARY EXAMINER
ART UNIT 222